

UNITED STATES DISTRICT COURT FILED  
DISTRICT OF MASSACHUSETTS CLERK'S OFFICE

JOAN L. SMITH,	)	2004 DEC -3 A 10:33
	)	
Plaintiff	)	U.S. DISTRICT COURT
	)	DISTRICT OF MASS.
v.	)	Civil No. 04-cv-40193
	)	
UNUM LIFE INSURANCE	)	
COMPANY OF AMERICA,	)	
	)	
Defendant	)	

**DEFENDANT'S STATEMENT  
REGARDING PRETRIAL MATTERS**

Pursuant to Local Rule 16.1, Defendant Unum Life Insurance Company of America files this Statement Regarding Pretrial Matters. This matter involves the review of a denial of benefits under an ERISA-covered employee benefit plan. Defendant has been unable to contact counsel for Plaintiff in an effort to submit a joint statement regarding pretrial matters, therefore, Defendant submits the following:

**Proposed Scheduling Order**

Defendant proposes the following schedule:

Defendant has provided Plaintiff with a copy of the Administrative Record.

If any party proposes that it is entitled to discovery or any evidentiary hearing, it must file a motion for leave to conduct such discovery or request an evidentiary hearing with the Court by December 30, 2004. Absent such a motion, there will be no discovery or evidentiary hearing in this action.

On or before January 15, 2005, both parties shall file with the Court their Cross-Motions for Judgment on the Administrative Record. If it appears that any motion for

discovery or request for an evidentiary hearing will remain undecided by January 15, 2005, either party may move for an appropriate adjustment to the schedule for filing Cross-Motions for Judgment.

On or before February 15, 2005, the parties shall file their respective Oppositions to Cross-Motions for Judgment.

Oral argument on the parties' Cross-Motions to be scheduled by the Court.

**Additional Matters**

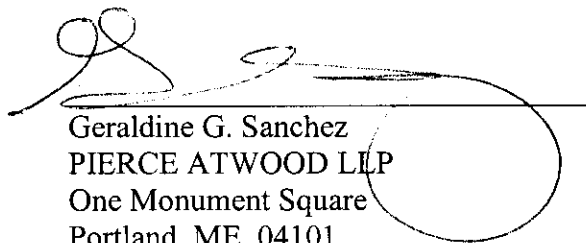
Defendant's certification pursuant to Local Rule 16.1(D)(3) will be filed under separate cover.

Defendant does not agree to have this matter heard by a Magistrate Judge.

The Plaintiff has not yet submitted a settlement demand to the Defendant pursuant to Local Rule 16.1(C).

DATED: December 2, 2004

Respectfully submitted,



Geraldine G. Sanchez  
PIERCE ATWOOD LLP  
One Monument Square  
Portland, ME 04101  
(207) 791-1100  
Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon counsel for Plaintiff via overnight delivery, addressed as follows:

Howard J. Potash, Esq.  
306 Main Street, Suite 300  
Worcester, MA 01608

DATED: December 2, 2004



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Geraldine G. Sanchez